IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1848 of 2007
DATE OF ORDER: 4.4.2007

Swaran Kumar

...Petitioner(s)

Versus

Kamlesh Kumari

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Ajay Sharda, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 20.2.2007 passed by Civil Judge(Jr.Divn), Patiala whereby request of the plaintiff-petitioner for examining Lal Singh on commission was declined.

Counsel for the petitioner argues that Lal Singh is 95 years of age and cannot move about and cannot come to the Court and that he is a material witness and his examination before the trial Court as witness is necessary for just decision of the case since he is executor of an agreement.

From the perusal of the order of the trial Court, I find that neither any affidavit of Lal Singh was produced nor was there any record showing that he was unable to move about and therefore the trial Court had declined the request.

Let petitioner to produce medical evidence showing the age and the fact that Lal Singh cannot move about or an affidavit of Lal Singh showing his age and also that he cannot move about and thereafter trial Court may rehear the matter.

With this observation, petition stands disposed of.

April 04, 2007 (M.M. AGGARWAL)
manoj JUDGE